IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.7763 of 1998

Dated: 31-01-2007

Between:

Ch. Bal Reddy, s/o Narasimha Reddy,
aged about 50 years, Ex.Sarpanch,
r/o Ratnagiripalle village,
Machareddy palli Mandal,
Nizamabad District.

... Petitioner

and

1. The District Collector
   (Panchayat Wing),
   Nizamabad,
   Nizamabad District and another.

... Respondents

ORDER:

The Extension Officer (Pts) Domakonda vide Lr.No.163/94 (pts) dated 27-10-1994 reported that the petitioner herein, who was an

Ex-sarpanch of Ratnagiripalli Gram Panchayat, has neither

executed the works in respect of JRY amount of Rs.46,910/- nor remitted the said amount to the credit Gram panchayat account and thus misappropriated. Pursuant to the said report, a show cause notice, dated 22-12-1994 was issued, but however, no explanation was offered. Thereafter, the first respondent herein in exercise of the powers under Section 265 of the Andhra Pradesh Panchayat Raj Act, 1994 ordered recovery of the said unaccounted amount of Rs.46,910/-. As against the said order,
the present writ petition is filed.

2. Heard learned counsel for the parties.

3. Having regard to the fact that as against the order impugned an appeal is provided under Section 265(3) of the Act, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to file an appeal before the concerned authority.

4. Accordingly, the writ petition is disposed of directing the petitioner to file an appeal against the order impugned before the appropriate authority, within a period of four weeks from the date of receipt of a copy of this order. On such appeal being filed, the competent authority shall dispose of the same within three months thereafter. However, the respondents are hereby directed not to insist upon the payment of the amount mentioned in the impugned notice during the pendency of the said appeal.

JUSTICE GOPALAKRISHNA TAMADA

Dt.31-01-2007
GLV